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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/531,739

05/23/2005

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EXAMINER

BRINSON, PATRICK F

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

02/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/531,739 | Applicant(s) SYSE ET AL. | |
| | Examiner Patrick F. Brinson | Art Unit 3754 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/06/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter recited in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1,158,181 to **Gentzsch**.

The **Gentzsch** reference discloses a hydraulic cylinder (1) comprising a cylinder chamber, a piston head (4) within the cylinder chamber forming two sub chambers (8 and 5, 5a) of the cylinder chamber, one on each side of the piston head and a piston rod (7) which runs from one side of the piston head through at least one of the sub chambers. A hydraulic power unit for operation of the hydraulic cylinder, including motor (2) and hydraulic pump (3), are situated at least partially within the piston head, as recited in claim 8. The device includes feed lines (13, 14) for hydraulic fluid from the first sub chamber (5a) through valves and pump (3) to the second sub chamber (5), as recited in claim 10. In order to function the device has the components recited in claim 11, including remote controlling device, circuit board and transmitter.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gentzch** in view of U.S. 4,854,384 to **Campbell**.

The patent to **Gentzch** discloses the recited structure, but does not disclose the piston formed on the rod such that it runs through both chambers, nor does Gentzch disclose the pump being a two-way pump. The patent to **Campbell** discloses a plug for closing off a pipeline (12) comprising anchoring (26) and sealing means (24) for anchoring and sealing against the internal wall of a pipeline which are operated by at least one hydraulic cylinder comprising a cylinder and chamber (70), a piston head (72), situated within the chamber and dividing the chamber into two sub chambers and piston rod (76) which runs through the piston head and through at least one of the sub chambers on either side of chamber (70). It is disclosed that pump and valve are activated by a remote control switch when it is desired to initiate the gripping and sealing action, causing the piston to be moved in one direction and when the opposite action is to take effect, the remote control switch activates pump and

reverses solenoid valve so that the hydraulic fluid can drain from the high pressure side. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the piston head of **Gentzch** such that it is provided centrally of the rod in order to run through both chambers, and to modify the pump such that water is pumped to and from the water reservoir in order to move the piston head in a back and forth direction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick F. Brinson whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. Brinson/
Primary Examiner
Art Unit 3754

P. F. Brinson
February 19, 2008

Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,854,384 to **Campbell** in view of **Gentzsch**.

The patent to **Campbell** discloses a plug for closing off a pipeline (12) comprising anchoring (26) and sealing means (24) for anchoring and sealing against

the internal wall of a pipeline which are operated by at least one hydraulic cylinder comprising a cylinder and chamber (70), a piston head (72), situated within the chamber and dividing the chamber into two sub chambers and piston rod (76) which runs through the piston head and through at least one of the sub chambers on either side of chamber (70). It is disclosed that pump and valve are activated by a remote control switch when it is desired to initiate the gripping and sealing action, causing the piston to be moved in one direction and when the opposite action is to take effect, the remote control switch activates pump and reverses solenoid valve so that the hydraulic fluid can drain from the high pressure side. **Campbell** does not disclose the hydraulic power unit being provided partly within the piston head. **Gentzsch**, as discussed previously, provides a hydraulic cylinder comprising a cylinder chamber, a piston head (4) within the cylinder chamber forming two sub chambers (8 and 5, 5a) of the cylinder chamber, one on each side of the piston head and a piston rod (7) which runs from one side of the piston head through at least one of the sub chambers. A hydraulic power unit for operation of the hydraulic cylinder, including motor (2) and hydraulic pump (3), are situated at least partially within the piston head. The device includes feed lines (13, 14) for hydraulic fluid from the first sub chamber (5a) through valves and pump (3) to the second sub chamber (5), as recited in claim 10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the hydraulic cylinder arrangement of Campbell

to one having the power unit for its operation at least partially within the head, as suggested by **Gentzsch** in order to provide for a self-contained plug for plugging pipelines.